III.   REMARKS

1.   Claims 1, 7, 10 and 11 are amended.

2.   Claims 1-6 and 15-19 are patentable under 35 USC, 112 first paragraph. The Examiner is reminded that the courts have described the essential question to be addressed in a description requirement issue in a variety of ways. An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). The Examiner speciously asserts that the Examiner cannot find any support for "generate a message associated with a scheduled event recorded in a calendar application...and to define at least one recipient of said message from data associated with the scheduled event" in the specification. The Examiner also speciously asserts that page 10, lines 9-10 and 30-33 do not support the above-quoted language without any further explanation. Page 10, lines 28-30 recites:

"...the system 100 comprises a transmission application 112, a calendar application 114, and a timing application 116."

Page 10, lines 8-23 recites:

"The operator may <u>generate a message by using a message generator application 104</u> providing a user interface for entering the message.

<u>The calendar application 114 may in the preferred embodiment of the present invention perform an application call to the message generator application 104 provided the operator wishes to enter a note or remark associated with an appointment in the operator's calendar</u>. Subsequently, to entering the message the operator may enter a predetermined time for initiating a transmission of the message <u>to selected recipients, possibly recipients associated with the appointment in the calendar</u>. The timing application 116 records the operator's selection of transmission time and activates the message handling element 110 to initiate transmission of the message on the predetermined time." (Emphasis added).

It is unfounded how the Examiner can assert the language "generate a message associated with a scheduled event recorded in a calendar application...and to define at least one recipient of said message from data associated with the scheduled event" is not supported by the

specification especially in light of the emphasized portions of the citations above. The above cited language from Applicant's specification clearly allow persons of ordinary skill in the art to recognize that Applicant invented what is claimed. The rejection under 35 USC 112, first paragraph is improper and should be withdrawn.

3.   Claims 1-4, 6 and 15-18 are patentable under 35 USC 103(a) over the combination of Ben-Shachar et al., US 6,208,996 (hereinafter "Ben-Shachar"), Lewis et al., US 6,738,635 (hereinafter "Lewis") and Frederiksen (US 2002/0080186) and what is known in the art at least because the combination does not disclose or suggest the calendar application being configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message.

Ben-Shachar merely discloses PIMs 5 and 7 support calendar applications which allow the user to enter an appointment and an associated user notification (Col. 6, L. 51-54). The user in Ben-Shachar enters the time associated with the notification and the type of notification into the mobile device 3 (Col. 6, L. 63-65). A clock notification scheduling system is provided which obtains a list of the specific clock alarms which are to be reset every day and schedules notifications associated with those alarms for a predetermined time period in the future (henceforth, the predetermined time period will be discussed in terms of one week, although it could be any desirable predetermined time period). In accordance with another preferred aspect of the present invention, a calendar notification scheduling system is provided which schedules calendar notifications, corresponding to appointments which are received by the calendar application program, for a predetermined time into the future. (Col. 7, L. 34-45). Thus, all that is disclosed in Ben-Shachar is the notification of an event about to happen. There is absolutely no disclosure in Ben-Shachar of the calendar application being configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message as recited in Applicant's claim 1. Combining Ben-Shachar with Lewis fails to remedy the above-noted deficiency of Ben-Shachar.

Lewis, like Ben-Shachar, merely discloses the notification of events where the notification is delivered at some interval before the event is scheduled to occur (Col. 2, L. 34-38; Col. 11, L. 16-20). All that is disclosed in Lewis is that the computer program retrieves data related to a scheduled event from a schedule program that is also executed by the message originating entity 32, determines whether the retrieved data includes data that should be transferred to the

message receiving entity 34, formats data to be transferred, and transfers the formatted data to the message receiving entity 34 (Col. 8, L. 7-14). This is all part of the schedule notification system in Lewis. The schedule alert data messages in Lewis reside on a server until a predetermined scheduled time before being sent to a user (Col. 9, L. 12-15). There is absolutely no disclosure or suggestion in Lewis of a calendar application being configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message as recited in Applicant's claim 1.

Combining Ben-Shachar and Lewis with Frederiksen and what is known in the art fails to remedy the above-noted deficiency of the combination of Ben-Shachar and Lewis. Frederiksen and what is known in the art are silent as to the calendar application being configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message. Thus, claim 1 is patentable over the combination of Ben-Shachar, Lewis, Frederiksen and what is known in the art.

Claims 2-4, 6 and 15-18 depend from claim 1 and are patentable at least by reason of their respective dependencies.

4.   Claims 7-9 and 14 are patentable under 35 USC 103(a) over Ben-Shachar, Lewis, what was known in the art and Chou et al., US 5,902,352 (hereinafter "Chou"). Claim 7 recites the calendar application being configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message. The combination of Ben-Shachar, Lewis, what was known in the art does not disclose at least this feature of claim 7 for reasons substantially similar to those described above with respect to claim 1 above. It is submitted that the combination of Ben-Shachar, Lewis, what was known in the art and Chou cannot as well.

Chou merely discloses a method and apparatus for task scheduling across multiple execution sessions allows each scheduled task to be scheduled to occur at a specific time(s), to occur periodically, or to occur in response to certain system events. A task can be scheduled which requires execution of an application even if the application is not running at the scheduled time or event, and even if the system is in a low-power standby mode at the scheduled time or event. Chou keeps track of specific time events by setting a timer(s) which indicates the time which should elapse until a scheduled event is to occur. When a timer expires, the system determines which task is scheduled to occur at the time the timer expires and executes that task. In one

embodiment, the present invention checks a scheduling database to determine which task is scheduled to occur when a timer expires. (Abstract). Thus, Chou only discloses a timers for telling a user when an event is about to occur. Chou is absolutely silent as to a calendar application being configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message as recited in Applicant's claim 7.

Thus, claim 7 is patentable over the combination of over Ben-Shachar, Lewis, what was known in the art and Chou. Claims 8, 9 and 14 depend from claim 7 and are patentable at least by reason of their respective dependencies.

5.   Claims 10 and 11 are patentable under 35 USC 103(a) over Lewis, what was known in the art, Ben-Shachar and Chou. Claims 10 and 11 recites the calendar application is configured to send a request to the at least one recipient to attend the scheduled event, the request to attend being sent prior to transmitting the message. This feature of claims 10 and 11 is not disclosed by the combination of Lewis, what was known in the art, Ben-Shachar and Chou for reasons that are substantially similar to those described above with respect to claim 7. Thus, claims 10 and 11 are patentable.
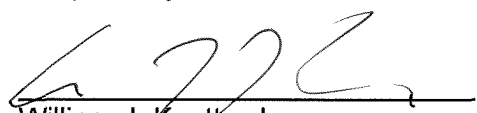
6.   Claims 12 and 13 are patentable under 35 USC 103(a) over Ben-Shachar, Lewis, Frederiksen, what was known in the art and Chou. Claims 12 and 13 depend from claim 1. The combination of Ben-Shachar, Lewis, Frederiksen and what was known in the art does not disclose or suggest all of the features of claim 1 for the reasons described above. It is submitted that the combination of Ben-Shachar, Lewis, Frederiksen, what was known in the art and Chou cannot as well. Thus, claims 12 and 13 is patentable at least by reason of their respective dependencies.

7.   Claim 5 is patentable under 35 USC 103(a) over Ben-Shachar, Lewis, Frederiksen, what was known in the art and Kawamoto et al., US 7,194,558 (hereinafter "Kawamoto"). Claim 5 depends from claim 1. The combination of Ben-Shachar, Lewis, Frederiksen and what was known in the art does not disclose or suggest all of the features of claim 1 for the reasons described above. It is submitted that the combination of Ben-Shachar, Lewis, Frederiksen, what was known in the art and Kawamoto cannot as well. Thus, claim 5 is patentable at least by reason of its dependency.

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For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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